

points of pleading." *Lewis*, 2014 U.S. Dist. LEXIS 96152 *8-9 quoting *Dussouy v. Gulf Coast Inv. Corp.*, 660 F.2d 594, 598 (5th Cir. 1981). *Rule 15(a)* provides a "strong presumption in favor of granting leave to amend," *Fin. Acquisition Partners, LP v. Blackwell*, 440 F.3d 278, 291 (5th Cir. 2006), and the Court must do so "unless there is a substantial reason to deny leave to amend." *Dissouy*, 660 F.2d at 598.

Plaintiff asserts that justice requires allowing Plaintiff to amend her petition. Plaintiff made multiple good faith efforts to depose Defendant Jayaseelan beginning July 31, 2014, and ultimately noticed his deposition for October 17, 2014. During that deposition, Plaintiff discovered that Dr. Jayaseelan misrepresented Beth MacNeill's preoperative diagnosis and fraudulently concealed the surgical procedure actually performed. Plaintiff is not acting with a dilatory motive and the amendment would not be futile.

WHEREFORE PREMISES CONSIDERED, Plaintiff respectfully requests that this Court grant her Motion for Leave to File an Amended Complaint *attached hereto as Exhibit 1 pursuant to LR 15.1(b)*.

Respectfully Submitted,

HAMMER & ASSOCIATES
675 North Henderson
Suite 300
Fort Worth, Texas 76107
Telephone (817) 332-8266
Telecopier (817) 332-8708

/s/Robert Hammer
Robert W. Hammer
State Bar No. 08854780

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I hereby certify that on November 21, 2014, I contacted the law offices of Jeff Ryan and Greg Blaies. Neither Jeff Ryan, nor Jarad Kent, nor Greg Blaies, nor Jim Hryekewicz were available. I then asked to speak to anyone with authority to agree or disagree to Plaintiff's Motion for Leave to File an Amended Complaint. No one was available and I did not receive a return call. I hereby certify that on November 24, 2014, I spoke with representatives from the law offices of Jeff Ryan and Greg Blaies. Once again, neither Jeff Ryan, nor Jarad Kent, nor Greg Blaies, nor Jim Hryekewicz were available. Therefore, this motion is submitted without an agreement.

/s/Robert Hammer
Robert W. Hammer

CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2014, I electronically filed the foregoing with the Clerk for the U.S. District Court, Northern District of Texas, using the ECF system which will send notification of such filing to the following counsel of record:

Gregory P. Blaies
James W. Hryekewicz
BLAIES & HIGHTOWER
421 W. Third Street, Suite 900
Fort Worth, Texas 76102
lindaroeder@bhilaw.com
lynnboyk@bhilaw.com
gregblaies@bhilaw.com
jwh@bhilaw.com

Jeffrey W. Ryan
Jarad Lee Kent
CHAMBLEE & RYAN P.C.
2777 N. Stemmons Frwy., Suite 1157
Dallas, Texas 75207
jwryan@chambleeryan.com
jkent@chambleeryan.com
jarad.kent@gmail.com
bgreen@chambleeryan.com

/s/Robert Hammer
Robert W. Hammer

